



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,865	09/27/2000	Boon-Lock Yeo	YO9-97-348C	7873

7590
McGuireWoods LLP
1750 Tysons Boulevard,
Suite 1800
McLean, VA 22102

04/02/2007

EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

04/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/670,865	Applicant(s) YEO ET AL.	
	Examiner Usha Raman	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): 33.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: _____
 Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
 12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 2-15-07
 13. ☐ Other: _____

Response to Arguments

Applicant's arguments, see pages 7-8, filed February 15th, 2007, with respect to claim 33 have been fully considered and are persuasive. The rejection of claim 33 under 35 USC 112, second paragraph has been withdrawn.

Applicant's arguments with respect to the remainder of the claims, filed February 15th, 2007 have been fully considered but they are not persuasive.

Applicant's arguments (see pages 11-12) stating that, "Examiner did not address the limitation when the programming channel is changed" have been noted. The examiner however notes that this limitation has been addressed in Final Rejection mailed on December 15th, 2006. The limitation of "when the programming channel is changed" has been examined as "after the programming channel is changed", in light of the fact that "when" can also mean "after". Consider the example, "We shall leave when I finish reading this book". The example illustrates a case where 'when' means 'after', wherein the leaving occurs *after* the book is read. Hence, the final rejection addresses the limitation, "at least one summary frame also displayed....when said programming channel is changed".

Applicant's arguments, see page 10, stating that, "Nakagaki does not disclose at least one summary frame also displayed on the display screen overlaid onto the video program in progress *at the same time* when the programming channel is changed". As explained previously, Nakagaki teaches displaying at least one summary frame after a programming channel is changed. Nakagaki further teaches displaying the summary frame of the video program in progress overlaid onto the video program in progress *at*

Art Unit: 2623

the same time (see figure 12B, the main screen playing a video in progress and a subordinate screen playing a portion of the video program in progress). The summary frame further comprises a past frame from the video program in progress, wherein the subordinate screen is playing a “past” or delayed portion of the video program in progress (see figure 12B, wherein subordinate screen “A” is a delayed portion of a video in progress).

Applicant's further argues with respect to claims 24 and 36 that, “Nakagaki is not capable of providing at least one preview frame comprising a future frame from the video program in progress displayed at a same time as one summary frame and the video program in progress”. The examiner respectfully disagrees. Nakagaki discloses a plurality of subordinate screens along with a main screen for displaying a plurality of past scenes (See fig. 12B, screens displaying “A”, “B”, “C”, etc.). Furthermore, Nakagaki discloses that the father-son screens can be reversed. Therefore, when frame “B” is displayed in the main screen while “D” is displayed in a subordinate screen along with frames “A” and “C”, frame “D” is a future frame relative to frame “B” that is playing in the main screen. Thus Nakagaki teaches a preview (subordinate) frame comprising a future frame from the video program in progress.

Applicant's arguments (see page 19) stating that, “Schein does not disclose resuming the video program when the segment has finished as Schein requires user to take at least two proactive steps in order to resume a video” have been noted. However the claim language of “resuming the video program when the video segment has finished” does not preclude the user from interacting with the system in order to resume

Art Unit: 2623

the video. The user utilizing the modified system in view of Schein uses an exit button in order to resume back to the television program. The user can therefore complete the a segment in progress and then use the exit button in order to resume back to the television program. Matthew is further relied for upon for displaying a video segment of the summary frame selected by the user

Applicant further traverses (see page 16-17) examiner's Official Notice that it is well known to broadcast previews after returning from commercial breaks. Examiner notes that applicant did not traverse this Official Notice when it first presented in the Non-final office action mailed, June 29th 2006 as required in MPEP 2144.03. Furthermore, citations were provided from Cato (US Pat. 6,412,111) in the "Conclusion" section of the Non-final office action to support the Official Notice.

For the reasons stated above, the Final Office action mailed on December 15th, 2006, addressed all the recited claimed limitations and therefore the rejection of record is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UR



SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER